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### ***REMARKS***

This is a full and timely response to the outstanding Office action mailed October 20, 2005. Upon entry of the amendments in this response claims 1-29, 35, 37 and 38 are pending. More specifically, claims 30, 31, and 36 are canceled. Claims 30, 31, and 36 are canceled without prejudice or disclaimer. Applicant takes this action merely to reduce the number of issues and to facilitate early allowance and issuance of the present application. Applicant reserves the right to pursue the subject matter of this canceled claim in a continuing application, if applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public. These amendments are specifically described hereinafter.

#### **I. Present Status of Patent Application**

Claim 1-28, 30-31, and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Priest, et al* (U.S. Patent No. 6,047,106) in view of *Council, et al* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140). Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified system of *Priest, et al* in view of *Knoblauch, et al* (U.S. Patent No. 6,628,941). To the extent that these rejections have not been rendered moot by the cancellation of claims, they are respectfully traversed.

#### **II. Examiner Interview**

Applicant first wishes to express sincere appreciation for the time that Examiner Tran spent with Applicant's Attorneys Jeff Kuester and Benjie Balser during a July 28, 2005, telephone discussion regarding the above-identified Office Action. Applicant believes that various features described in the patent application and recited in the claims, including communicating with a disconnected cell site were discussed during the telephone discussion, and that the outcome of this discussion is addressed herein. Additionally, it was indicated that the rejection of claims under 35 U.S.C. § 102 as anticipated by *Priest* in view of *Council* was improper. During that conversation, Examiner Tran seemed to indicate that it would be

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potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Tran carefully consider this amendment and response.

### III. Rejections Under 35 U.S.C. §103(a)

#### A. Claims 1-29, 37, and 38

The Office Action rejects claims 1-28, 37, and 38 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Priest* in view of *Council*. Claim 29 is rejected under U.S.C. §103(a) as allegedly being unpatentable over the modified system of *Priest*, in view of *Knoblauch*. For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 recites:

1. A remote, self-contained communications antenna apparatus for establishing wireless communications, comprising:  
*equipment for transceiving communication signals between said equipment and a disconnected cell site that has been disconnected from its cellular system, and*  
*transceiving communication signals between said equipment and a communications network ; and*  
*a mast for extending and collapsing an antenna.*

(Emphasis Added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Priest* and *Council* does not disclose, teach, or suggest at least **equipment for transceiving communication signals between said equipment and a**

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**disconnected cell site that has been disconnected from its cellular system.** Even if either *Priest* or *Council* are considered to teach replacing a disconnected cell site, neither teaches communicating with the disconnected cell site. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 1 is allowable.

Because independent claim 1 is allowable over the cited references of record, dependent claims 2-29, 37, and 38 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-29, 37, and 38 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002). *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-29, 37, and 38 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-29, 37, and 38 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 2-29, 37, and 38 are allowable.

Regarding claim 1, the Office action has included a conclusion that "collapsing antenna is well-known in the art, as suggested by *Council, et al* (pg. 38, paragraph 6)." *See Office Action*, page 2, section 2. Applicants traverse this finding that the subject matter is well known. Particularly in the context of the claimed combination that includes a self-contained communications antenna apparatus, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Additionally, a conclusion of well-known art based on this reference would lead to a conclusion that everything disclosed in this reference is well-known. If this is indeed the case, Applicant respectfully requests that an affidavit be submitted averring that material in

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the *Council* reference is well-known art. Therefore, the well known conclusion is improper and should be withdrawn.

Regarding claim 16, the Office action has included a conclusion that "temperature control and a solar-power generator...is notoriously well-known in the art." See *Office Action*, page 3. Applicants traverse this finding that the subject matter is well known. Particularly in the context of the claimed combination that includes a self-contained communications antenna apparatus, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Therefore, the well known conclusion is improper and should be withdrawn.

B. Claim 35

The Office Action rejects claim 35 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Priest* in view of *Council*. For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 35 recites:

35. A method for establishing wireless communications, comprising:  
*transceiving wireless communication signals between a wireless device and a disconnected cell site that has been disconnected from its cellular system;* and  
*transceiving communication signals between said disconnected cell site and a remote, self-contained communications antenna apparatus with a mast for extending and collapsing an antenna; and*  
*transceiving communication signals between said remote, self-contained communications antenna apparatus and a communications network.*

(Emphasis Added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 35 is allowable for at least the reason that the

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combination of *Priest* and *Council* fail to disclose, teach, or suggest at least transceiving wireless communication signals between a wireless device and a disconnected cell site that has been disconnected from its cellular system. Even if either *Priest* or *Council* are considered to teach replacing a disconnected cell site, neither teaches communicating with the disconnected cell site. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 35, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 35 is allowable.

Regarding claim 35, the Office action has included a conclusion that "collapsing antenna is well-known in the art, as suggested by *Council et al* (pg. 38, paragraph 6)." See *Office Action*, page 2, section 2. Applicants traverse this finding that the subject matter is well known.

Particularly in the context of the claimed combination that includes a self-contained communication antenna apparatus, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Additionally, a conclusion of well-known art based on this reference would lead to a conclusion that everything disclosed in this reference is well-known. If this is indeed the case, Applicant respectfully requests that an affidavit be submitted averring that material in the *Council* reference is well-known art. Therefore, the well known conclusion is improper and should be withdrawn.

#### IV. Miscellaneous Issues

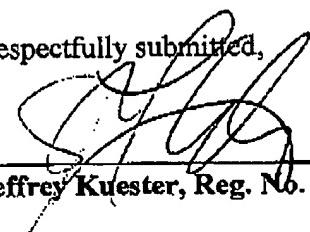
Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

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***CONCLUSION***

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-29, 35, 37, and 38 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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